THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21552 of 1996

Date:20.03.2006

Between:

Saipadu Gram Panchayat.

-------PETITIONER

AND

The District Collector and another.

---------RESPONDENTS

ORDER:

The petitioner is a Gram Panchayat. It filed this writ petition alleging that the Mandal Revenue Officer, Kamavarapukota Mandal, West Godavari District, the second respondent herein, has demolished the huts in the land admeasuring Acs.3.98 cents situated in Sy.No.53 of Veerampalem Hamlet, Tadikalapudi Revenue village, without any basis. It is pleaded that the said land is Grama Kantam and vested in the Gram Panchayat, under Section 58 of A.P. Panchayat Raj Act. The further allegation is that the second respondent proceeded to issue pattas with antedate in favour of various persons as regards that very land.

Heard the learned counsel for the petitioner.

The respondents have not chosen to file any counter-affidavit, so one decade has elapsed.

This Court would, certainly, have examined the matter, had it been a case where the aggrieved hut dwellers have approached this Court or where the petitioner is interested in protecting any vacant land. The averments in the affidavit and the purport of the prayer suggests that the petitioner is interested in continuing the encroachments on the so-called Grama Kantam, but is opposed to grant pattas. Such a course of action cannot be permitted. Had the petitioner been interested in protecting the Gram Kantam, it ought to have taken steps to evict the unauthorized persons and put the land to any common public use. The fact that the petitioner intends to perpetuate the encroachments by various persons, indicates that there are no *bona fides* in the matter.

Hence, the writ petition is dismissed. It is, however, made clear that if the Gram Panchayat intends to protect the land, which is vested in it, it shall always be open to it to approach the first respondent with necessary representation. This order does not preclude the affected parties, who pursued their remedies before the appropriate authorities.

_____

20.03.2006

kdl